

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SCOTT T. BALLOCK

Case No.: 1:17-CV-52

Plaintiff,

v.

JURY TRIAL REQUESTED

**ELLEN RUTH COSTLOW, and
STATE TROOPER MICHAEL KIEF,**

Defendants.

**PLAINTIFF SCOTT BALLOCK'S MOTION
TO ENLARGE TIME TO FILE NOTICE OF APPEAL**

The Plaintiff, Scott T. Ballock, now moves pursuant to Fed. R. App. P., Rule 4(a)(5)(A), to please extend the period for filing his notice of appeal with the district clerk. Settlement negotiations are on-going. The requested extension will allow them to mature, potentially eliminating an appeal. The State Troopers and their insurer do not oppose this motion. Defendant Costlow's waiver of objection is pending as of this filing.

I. PROCEDURAL HISTORY

On September 2, 2020, the Court entered (Doc 185) Final Memorandum Opinion and Order Regarding Attorney's Fee Award. In accordance with this Court's order (Doc 180) entered June 15, 2020, the entry of Doc. 185 started the 30-day period for timely filing a notice of appeal. The notice of appeal can be electronically filed today, but negotiations are on-going and the incursion of costs and fees in pursuit of the appeal will make settlement a practical impossibility.

II. LEGAL AUTHORITY

The current motion requires a finding of good cause.

Fed. R. App. P., Rule 4(a)(5)(C) allows an extension of up to thirty (30) days. The Plaintiff respectfully asks for thirty (30) days.

III. ARGUMENT

The motion calls upon the Court's discretion. It is timely pursuant to Fed. R. App. P., Rule 4(a)(5)(A)(i) and would have been filed sooner if the time required to complete negotiations could have been better anticipated. Current efforts to comprehensively settle are proffered as good cause for the requested relief.

IV. CONCLUSION

For the foregoing reasons, the Plaintiff, Scott T. Ballock, respectfully moves pursuant to Fed. R. App. P., Rule 4(a)(5)(A) for an additional thirty (30) days for filing a timely notice of appeal.

Respectfully submitted this 2nd day of October 2020.

/s/ Charles J. Crooks

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CERTIFICATE OF SERVICE

I, Charles J. Crooks, Esq., counsel for the Plaintiff, Scott T. Ballock, hereby certify that on the 2nd day of October 2020, I electronically filed the certificate of service for the foregoing “**PLAINTIFF SCOTT BALLOCK’S MOTION TO ENLARGE TIME TO FILE NOTICE OF APPEAL**” with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to the following:

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